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MEASURES TO ELIMINATE
INTERNATIONAL TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 14 January 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to you to request that the enclosed letter dated 5 January 2000 from Mr. Rogelio Acevedo González, Chairman of the Cuban Civil Aeronautics Institute, addressed to Mr. Assad Kotaite, President of the Council of the International Civil Aviation Organization, and the appendices thereto, be issued as a document of the General Assembly under agenda item 160, and of the Security Council.

(Signed) Bruno RODRÍGUEZ PARILLA
Ambassador
Permanent Representative

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Annex

Letter dated 5 January 2000 from the Chairman of the Cuban Civil Aeronautics Institute addressed to the President of the Council of the International Civil Aviation Organization

I have the honour to write to you pursuant to the provisions of the resolution adopted by the Council of the International Civil Aviation Organization (ICAO) at the twentieth meeting of its one 148th session on 27 June 1996, paragraph 9 of which requests all contracting States to report at any time to the Council any infraction of the rules contained in the Convention on International Civil Aviation

On 1 January 2000, between 8 and 8.37 a.m. local time, an aircraft from the United States violated the airspace of the Republic of Cuba and, more specifically, the prohibited area of the city of Havana MU-P 1. Boldly and carelessly, the aircraft flew at very low altitude over buildings and densely populated areas of the capital city, dropping articles and endangering persons and property.

The unknown aircraft was a Cessna 172 M, white with a blue and red stripe and United States registration No. N 9367 H. The flight in our airspace was made without filing a flight plan, an SSR transponder code or communicating with Cuban air route/traffic control services.

We have learned that the aircraft was flown by Mr. Ly Tong, a former pilot with the South Vietnamese air force who now lives in the United States, and that his licence was issued on 23 December 1999.

During the violation, Havana Area Control Centre (CCA) twice alerted Miami Air Route Traffic Control Centre (ARTCC) regarding the flight of the aircraft. The latter Centre contacted CCA at 8.59 a.m. requesting information about the aircraft.

We believe it is essential to inform ICAO and, in particular its Council, of the danger that such flights pose to the safety of air traffic in the region and the need to prevent a disaster occurring.

This type of incident violates the provisions of articles 4 and 12 of the Chicago Convention and also article 3 bis thereof, which has been in force since 1 October 1998, and should be dealt with under the law as prescribed in those articles.

Based on the foregoing, we are asking you in your capacity as President of the ICAO Council, to take firm action on the subject. We ask you to use your good offices to intercede with the corresponding authorities so that they may take the necessary steps to ensure that such incidents are not repeated.

We believe that special attention should be given to the principles set forth in article 3 bis, paragraphs (c) and (d). Accordingly, the authorities involved should be urged to observe the international provisions so that any

violation of the applicable laws and regulations may be severely punished and to adopt appropriate measures to prohibit the deliberate use of civil aircraft for purposes that are incompatible with the goals of the Convention.

Enclosed please find documents relating to the incident.

(Signed) Rogelio ACEVEDO GONZÁLEZ

Appendix I

Chronology of events relating to the violation of Cuban airspace by a light aircraft from the territory of the United States on 1 January 2000

Universal time coordinate	Local time	
1307	0807	A light, single-engine aircraft is detected penetrating from the sea, flying west-south-west at a height of 30-50 metres
1315	0815	It is sighted over 5th and 86th streets in the Miramar district
1316	0816	It is sighted flying over the corner of 19 and 84 in Miramar
1317	0817	It flies over Rio Almendares park
1319	0819	It flies over the National Hotel
1320	0820	It flies over Havana Bay and the Casablanca district
1321	0821	It flies over the Luis Díaz Soto Military hospital facilities
1344	0844	A message is sent to Miami Route Air Traffic Control Centre, alerting it to the flight of that aircraft and requesting information about the aircraft
1348	0848	The message is acknowledged
1359	0859	A message is received from Miami ARTCC, requesting additional information about the unknown aircraft
1413	0913	A message is sent to Miami ARTCC providing additional information
1622	1122	Message transmitted to Miami ARTCC, giving preliminary information regarding the violation

Appendix II

Violation of the airspace of the capital of the Republic of Cuba
1 January 2000